**Before the**
**Federal Communications Commission**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
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| Wireless Broadband Access Task | ) | GN Docket No. 04-163 |
| Force Request for Public Comment | ) | |
| on Issues Related to the Federal | ) | |
| Communications Commission's | ) | |
| Wireless Broadband Policies | ) | |

# COMMENTS OF
# CTIA – THE WIRELESS ASSOCIATION™


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June 3, 2004

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**COMMENTS OF**
**CTIA – THE WIRELESS ASSOCIATION™**

CTIA – The Wireless Association™ ("CTIA")[1] submits these comments in response to the Public Notice issued by the Commission's Wireless Broadband Access Task Force ("Task Force") seeking comment on spectrum management policies and regulations applicable to the provision of wireless broadband service.[2]

## INTRODUCTION AND SUMMARY

CTIA applauds the formation of the Wireless Broadband Access Task Force. As the Chairman and each of the Commissioners have often observed, wireless broadband service is an important facilities-based platform – providing a robust, viable competitor to cable modem and

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[1] CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

[2] *See* Public Notice, Wireless Broadband Access Task Force Seeks Public Comment On Issues Related To Commission's Wireless Broadband Policies, GN Docket No. 04-163, DA 04-1266 (May 5, 2004) ("Public Notice").

DSL services that will spur innovative offerings and increase price competition in the broadband market.[3] Notably, the wireless platform offers a solution that overcomes some of the technological and economic challenges inherent in any wired technology, extending the reach of communications technology to traditionally underserved communities. As the Commission's May 19, 2004, Wireless Broadband Forum made clear, wireless broadband services, using both licensed and unlicensed spectrum, are growing dramatically in response to consumer demand for more ubiquitous and more accessible broadband services.

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[3] *See* Michael K. Powell, *FCC Wireless Spadework in '02 to Bear Fruit in '03*, RCR WIRELESS NEWS (Mar. 17, 2003)("Introducing a third broadband pipe to the home as a competitor to cable modems and digital subscriber lines is among the FCC's highest priorities - and there is no better candidate than spectrum-based services. Though wireless broadband is available in some markets, this potential pipe now merely trickles. My goal is to foster a regulatory environment in which this trickle can become a rushing torrent, raging over and through obstacles to provide vital competition and reach unserved homes and communities."); Remarks of FCC Commissioner Kathleen Q. Abernathy, *What Tomorrow May Bring – the Future of the FCC's Licensed Spectrum Policy*, FCBA Seminar West (Jul. 20, 2002)(" I am convinced that spectrum-based services will provide that next pipe to the home or to wherever you are – and I believe it is essential that our regulatory policies not hinder the development of that third (or fourth or fifth) platform."); Joint Statement of Chairman Michael K. Powell and Commissioner Kevin J. Martin, *Promoting Efficient Use of the Spectrum Through Elimination of Barriers to the Development of Secondary Markets*, WT Docket No. 00-230, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 03-113 (rel. Oct. 6, 2003)("Access to spectrum is critical to development of a wireless broadband platform. Moreover, ready access to spectrum promotes increased facilities-based competition…between wireless providers and other platforms."); Separate Statement of Commissioner Michael J. Copps, *Modification of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment* Approval, ET Docket No. 03-122, *Notice of Proposed Rulemaking,* FCC 03-223 (rel. Sep. 17 2003) ("The Commission has a statutory duty under the Communications Act to promote the efficient and intensive use of the public's spectrum resource and to spur competition for the benefit of consumers. One way of doing this is [to] give new wireless technologies the ability to compete with incumbent carriers. We're all excited about the chance that innovators ranging from CLECs to wireless Internet service providers will give us new competition and new service…."); Remarks of FCC Commissioner Jonathan S. Adelstein, "Rural Telecommunications – Big Challenges and Bigger Opportunities," 2004 NTCS Legislative and Policy Conference (Mar. 22, 2004)("Increasingly, all communications will travel over fatter and fatter broadband pipes. That includes video, data, and even mobile calling…We must have the infrastructure to carry these communications directly into homes and businesses throughout the country – by wireline, cable, wireless, satellite, and any other new technologies.").

And wireless technology, of course, offers the unique opportunity of mobility. CTIA believes that mobility will be the "X" factor in the broadband equation. Consumers in both urban and rural areas have been quick to embrace the convenience of the many mobile offerings in the market today. The American workforce is highly mobile and the economy is rapidly moving towards the expectation that all communications services will be available on a seamless basis – wherever and whenever. Families and friends, moreover, today are more focused than ever on always being in touch with each another. Mobile broadband platforms offer a distinctive service that will have a dramatic impact on consumer welfare.

As the Task Force considers regulatory policies affecting wireless broadband, CTIA notes that the Commission currently has several proceedings asking similar questions. For example, the Commission has sought comment on wireless carriers' deployment of broadband services in the *Advanced Services NOI*, the *CMRS Competition NOI*, and the *Rural Wireless NPRM*.[4] CTIA exhorts the Commission to adopt a comprehensive, coordinated approach for promoting investment and deployment of wireless broadband offerings. To that end, CTIA urges the Task Force and the Commission to adopt the following principles and policy objectives in these proceedings:

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[4] *See Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Notice of Inquiry, GN Docket No. 04-54, FCC 0455 (rel. Mar. 17, 2004); *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, Notice of Inquiry, WT Docket No. 04-111, 19 FCC Rcd. 5608 (2004); *Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services, 2000 Biennial Regulatory Review Spectrum Aggregation Limits For Commercial Mobile Radio Services, Increasing Flexibility To Promote Access to and the Efficient and Intensive Use of Spectrum and the Widespread Deployment of Wireless Services, and To Facilitate Capital Formation*, WT Docket No. 02-381, 01-14, 03-202, Notice of Proposed Rulemaking, 18 FCC Rcd. 20802 (2003).

- The Commission can best foster continued expansion of wireless broadband services to all Americans by implementing a stable regulatory environment that relies primarily on market forces and avoids intrusive regulation of new and evolving technologies and services.

- The exclusive use, flexible rights license model fosters investment and deployment of wireless broadband services.

- Federal policy must govern wireless broadband services, rather than state-by-state regulation.

The Task Force should consider ways to enable further wireless broadband deployment in rural areas and should ensure that wireless broadband providers have the same opportunities in rural areas as their wireline competitors.[5]

## I. WIRELESS MOBILE BROADBAND OFFERINGS ARE EMERGING AS AN IMPORTANT PLATFORM IN THE BROADBAND MARKET

### A. The Promise of Wireless Mobile Broadband Offerings is Fast Becoming a Reality

The last decade has been a period of significant innovation in commercial mobile services technology. Countless technological advances have improved – and increased – the diversity and quality of CMRS offerings, particularly for wireless data. Today, CMRS providers are rolling out mobile wireless broadband services at an accelerating pace, providing affordable Internet access offerings at speeds comparable to DSL and cable modem services – but with the unique benefits of mobility. Indeed, as Chairman Powell observed in his opening remarks at the Commission's Wireless Broadband Forum on May 19, 2004, "[w]e're beginning to see greater uses of wireless mobile broadband products, such as EvDO coming into the marketplace."[6]

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[5] *See infra* discussion at pp. 8-14.

[6] Michael K. Powell, Chairman, FCC, Remarks at the FCC Wireless Broadband Forum, at 3 (May 19, 2004) (as prepared for delivery).

Described below are some of the advanced mobile broadband offerings already available commercially in specific markets or currently under development:

> Nextel, which has launched a trial of Flarion's next-generation mobile wireless broadband platform in the Raleigh-Durham metropolitan area, advertises typical downlink speeds of up to 1.5 mbps with occasional bursts as high as 3 Mbps and typical uplink speeds of up to 375 kbps with occasional bursts as high as 750 kbps.[7]
>
> Verizon Wireless has launched an advanced wireless network utilizing CDMA2000 1xEV-DO ("Evolution-Data Only") technology in Washington, DC and San Diego and has announced its intent to expand its BroadbandAccess network to reach approximately 75 million Americans by the end of 2004. Verizon advertises typical download speeds of 300-500 kbps with peak speeds of up to 2 mbps,[8] and typical upstream speeds of 40-60 kbps. Verizon has stated that it plans to spend $1 billion over the next two years to launch the EV-DO network in metropolitan areas across the country, after having launched its 1x data network nearly two years ago.[9]
>
> As part of their post-merger plans, Cingular and AT&T Wireless propose a transition from EDGE to Universal Mobile Telecommunications Systems ("UMTS") that will initially permit data transmission speeds of up to about 2 mbps and eventually, when upgraded with High Speed Downlink Packet Access ("HSPDA") at speeds of up to 14.4 mbps.[10]
>
> Sprint plans to upgrade its nationwide wireless network by 2006 so that consumers can experience data speeds of approximately 300-500 kbps. In order to achieve that data rate, Sprint has several strategic options related to a preferred solution. A decision is expected late in the year.[11]

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[7] http://www.nextelbroadband.com/ab_home.html (visited 5/20/2004).

[8] http://www.verizonwireless.com/b2c/mobileoptions/broadband/index.jsp (visited 5/20/2004).

[9] *See* Brad Smith, "Verizon Going Nationwide with EV-DO," News@2Direct, January 8, 2004. 1x is a voice and data upgrade for CDMA operators that delivers typical packet data rates of 50 to 90 kbps, with peak rates of 153 kbps. *See* http://www.3Gtoday.com.

[10] *See* Dan Meyer, *Cingular rolls forward with UMTS, Sprint Considers 3G alternatives*, RCR WIRELESS NEWS, May 31, 2004, at 1, 21; Description of Transaction, Public Interest Statement and Waiver Request of Cingular Wireless Corporation, FCC Form 603, Ex. 1, WT Docket No. 04-70, at 18 (filed Mar. 18, 2004).

[11] *See Sprint to reveal data plans in a month*, Reuters Newswire, May 24, 2004.

Companies such as ALLTEL, T-Mobile, and U.S. Cellular have indicated that they are rolling out EDGE or CDMA 1X in their markets.[12]

Qualcomm recently announced a version of 1xEVDO ("Revision A") that provides peak downstream speeds of 3.1 mbps and peak upstream speeds of 1.8 mbps. Qualcomm also has announced its MSM6280 Mobile Station Modem ("MSM") chipset solution to enable peak data rates of 7.2 mbps in support of advanced data services for HSDPA.[13] Qualcomm also states that it provides upgrades for carriers that have deployed GSM that includes a December 2002 version of WCDMA (wideband CDMA) with a peak upstream and downstream rate of 384 kbps. Other versions of EVDO, EVDV, and other mobile wireless broadband technologies providing higher bandwidths are being developed.[14]

### B. Unlicensed Wireless Broadband Services Complement Wireless Networks

The Task Force seeks comment on whether licensed networks and unlicensed operations "complement each other."[15] As the presenters confirmed during the Wireless Broadband Forum, both licensed and unlicensed providers play important roles in the nationwide deployment of wireless broadband service. Together, licensed networks and unlicensed operations can offer customers innovative packages of wireless services.

T-Mobile, for example, uses unlicensed spectrum to offer Wi-Fi hotspot connectivity to further extend the reach of its service offerings throughout the country. T-Mobile views such services as complementary to both wireless and wireline networks by giving customers the maximum available bandwidth wherever they happen to be. Similarly, other carriers such as AT&T Wireless have struck deals with Wi-Fi providers to ensure that their customers who travel

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[12] *See* Colette M. Fleming, *et al*. "Wireless 411: Version 12.0," UBS, April 16, 2004, at 90-91; *see also* Colette M. Fleming, *et al.*, "Wireless Services – CTIA 2004," UBS, March 26, 2004 at 3, 6.

[13] *See* http://www.qualcomm.com/press/releases/2004/040513_msm6280.html.

[14] http://www.qualcomm.com/press/releases/2004/040322_ctia_lxev-do.html (visited 5/20/2004).

[15] Public Notice at 2, question 3.

can easily access broadband services in airports and hotels throughout the country. In each of these examples, the unlicensed wireless service continues to rely on existing wireless or wireline platforms to obtain access to the Internet. In contrast, mobile wireless broadband services hold the promise of providing consumers access to the Internet anywhere, anytime over a competing *mobile* facilities-based platform.

### C. CMRS Providers are Extending Broadband to Underserved Communities

The Task Force also seeks comment on the impact of wireless broadband services in rural and underserved areas.[16] By deploying digital network upgrades, CMRS providers are extending the availability of mobile wireless data offerings to rural areas across the country – potentially including areas that cannot be economically served by wireline service providers.

BroadbandOne Networks, LLC, for example, has announced plans to deploy ArrayComm's iBurst mobile wireless broadband system in Butte and Bozeman, Montana.[17] Dobson Communications Corporation offers TDMA wireless service to markets that encompass 92 percent of the Alaskan population and is in the midst of a statewide overlay that will bring GSM/GPRS/EDGE to Alaskan markets this year.[18] Extend America announced that it intends to provide mobile wireless broadband services to customers in rural areas in North Dakota.[19] Cellular

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[16] *See* Public Notice at 2, question 1.

[17] http://www.arraycomm.com/news/pr_detail.htm?id=117 (visited 5/24/2004).

[18] http://www.irconnect.com/dcel/pages/news_releases.html?d=48573 (visited 6/2/2004).

[19] http://www.extendamerica.com/products/details.asp?ID=2 (visited 5/20/2004).

South has deployed CDMA 1XRTT throughout its service territory in Alabama, Florida, Mississippi, and Tennessee, which includes large rural areas.[20]

In addition, several CMRS providers serving rural areas are providing local area wireless broadband services to their customers as well. Minnesota-based Midwest Wireless, for example, has built out over 100 broadband cell sites and is providing wireless broadband service to 3,000 subscribers using unlicensed spectrum in the 900 MHz, 2.4 GHz and 5 GHz bands.[21] Midwest Wireless and other wireless Internet service providers ("WISPs") may not be the "third pipe" into the home – they may be the only broadband platform available.[22]

## II. WIRELESS BROADBAND COMPETITION CAN BEST BE ACHIEVED THROUGH MINIMAL, TECHNOLOGICALLY NEUTRAL REGULATION

### A. The CMRS Regulatory Model Has Produced Enormous Consumer Welfare

The CMRS industry – premised on exclusive use licenses with flexible rights – provides a compelling example of the benefits of a light regulatory touch in which the Commission relies on competition and the marketplace, not regulatory fiat, to increase consumer welfare. Between 1993 and 2003, the CMRS industry developed from an analog cellular duopoly to a 92 percent digital, multi-carrier market. During those ten years, wireless licensees invested more than $100 billion in capital to improve their networks. Service offerings evolved

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[20] http://www.cellularsouth.com/about/press/2004/20040601.html (visited 6/3/2004).

[21] Patrick Leary, Alvarion, Inc., *Rural U.S. Examples of Wireless Broadband Deployments*, May 3, 2004, at http://wireless.fcc.gov/outreach/2004broadbandforum/comments/AlvarionInc.pdf (visited 5/20/2004).

rapidly from voice-only to voice, data, Internet access, gaming, and video – while competition continued to drive prices down. And consumer demand responded, with subscribership up ten-fold from 16 million to nearly 164 million, and minutes of use skyrocketing from 19 billion minutes to 830 billion minutes of use. Over this same period, the average price of wireless service has significantly declined from over $60 per month to just under $50 per month. In the last ten years, mobile wireless has emerged as a compelling "almost necessary" service for the American public. In no other sector of the communications industry (or the economy, for that matter) has competition and innovation produced greater consumer benefits, especially in rural markets. Currently, 98% of Americans have a choice of three or more mobile wireless providers and 83% have a choice of five or more providers.

Wireless broadband services will best evolve in a similar environment characterized by intense competition, innovation, and minimal regulation, resulting in choice and competitive prices for consumers.

Looking ahead, absent clear and convincing evidence of market failure, the Commission should refrain from imposing economic regulations on broadband mobile wireless service providers. With respect to certain important social policy goals (*e.g.,* CALEA, E-911, disability access), the Commission should define what objectives it wants broadband service providers to fulfill and then allow the industry to develop its own standards and procedures to achieve these

[22] Numerous WISP examples are included in a recent report published by the Organization for Economic Cooperation and Development. *See* The Development of Broadband Access in Rural and Remote Areas, OECD Report No. JT00163813, May 10, 2004, at 47-52.

objectives.[23] The Commission should consider a more structured approach only if it becomes evident that solutions are not being developed within a reasonable time frame.

### B. The Commission's Exclusive Use, Flexible Rights License Model Fosters Investment and Deployment of Wireless Broadband Services

The Task Force seeks comment on "regulatory incentives that would foster continued investment in and deployment of state-of-the-art technologies."[24] The Task Force should take this opportunity to reaffirm that the Commission's exclusive use, flexible rights licensing model has been a tremendous success. Exclusive use licensing, embodied in the CMRS license regime, has provided carriers with the regulatory certainty necessary to invest billions of dollars in the build-out of cutting-edge networks and the introduction of innovative services – including mobile broadband offerings. As the Commission considers spectrum management for the 21st Century, it must ensure that its policies do not deter carriers from using licensed spectrum for such services.

As CTIA has previously demonstrated, over the past decade mobile providers have transitioned to "interference-limited" digital modulation designs that increase capacity, extend service range – and enable broadband offerings. At the same time, these systems are *more* susceptible to third party interference. Licensees who would otherwise seek to deploy cutting-edge technologies that necessarily operate with a lower signal-to-interference ratio will not bring those offerings to the public if they fear that other signals will detract from the quality of their

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[23] For example, the wireless industry has voluntarily adopted a comprehensive consumer code for wireless carriers (available at http://files.ctia.org/pdf/The_Code.pdf). In addition, the industry has developed voluntary standards to provide packet-mode interception capabilities for law enforcement. *See, e.g.*, TIA Standard/ATIS Committee T1 Trial Use Standard, "Lawfully Authorized Electronic Surveillance" J-STD-025-B (available at http://www.tiaonline.org/media/press_releases/index.cfm?parelease=04-26).

[24] Public Notice at 3.

service offerings. In order to fully mine their licensed spectrum to be able to provide new and innovative advanced services, licensees should be able to operate free from interference from unlicensed underlays.[25] To that end, the Commission should reinforce licensees' spectrum rights – not undermine them through the imposition of unlicensed underlays in licensed spectrum.

In addition, licensees should be free from restrictive service rules, such as overly prescriptive service level and construction requirements. The Commission's Eighth CMRS Competition Report found that 95 percent of the total U.S. population lives in counties with access to three or more different facilities-based mobile operators.[26] As demand for wireless broadband services increases, there is no reason to believe that CMRS providers and other wireless broadband providers will not build out wireless broadband networks to meet consumers' needs. For new services, the Commission's approach adopted for Part 27 Advanced Wireless Services, where licensees must meet a substantial service requirement for the 10-year license term, provides licensees sufficient incentives and flexibility to timely build out their networks in a competitive marketplace.[27]

### C. Federal Policy Must Govern Wireless Broadband Services, Rather Than State-By-State Regulation

Nationwide deployment of wireless broadband service is endangered by a variety of state and local policies that increase wireless service costs, including taxes, fees, and unnecessary

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[25] *See, e.g.,* Comments of Cellular Telecommunications & Internet Association filed in ET Docket No. 03-237 on April 5, 2004 (CTIA ITemp Comments); Comments of Cellular Telecommunications & Internet Association filed in ET Docket No. 03-108 on May 3, 2004.

[26] *See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services*, Eighth Report, WT Docket No. 02-379, FCC 03-150, ¶ 18 (2003).

[27] *See* 47 C.F.R. § 27.14(a).

regulatory burdens. Decentralized regulations are not effective "[w]hen economic realities dictate that production of goods is efficiently done across jurisdictions *(i.e.,* economies of scale stretch beyond state borders.)"[28] In fact, state and local regulation of a national market causes distortions that consequently harm consumer welfare because such balkanized regulation reduces the economic efficiencies inherent in a national market, such as national advertising, marketing, and pricing plans.[29] For example, competitive national markets exert strong pricing discipline that can extend even into more localized markets where there are fewer competitors.[30] The Task Force therefore should seek ways to promote a national wireless broadband framework that avoids multiple, inconsistent state and local regulatory obligations which will introduce marketplace distortions and deter rapid deployment of service.

Most recently, the California Public Utilities Commission ("CPUC") adopted a so-called "Telecommunications Bill of Rights" that will have a detrimental effect on advertising, increase "up-front" service costs, reduce customer choice, and ultimately result in higher rates for consumers. While wireless subscribership in California has more than doubled since the CPUC's proceeding began in 2000, wireless complaints - according to the CPUC's own statistics - have fallen by almost 40 percent in the last year alone without any new regulations.[31] In

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[28] Thomas W. Hazlett, *Is Federal Preemption Efficient in Cellular Phone Regulation?* AEI-Brookings Joint Center for Regulatory Studies, at 16 (Sept. 2003) ("Hazlett").

[29] Michael L. Katz, *Measuring Competition Effectively*, at 6-7 (May 10, 2004) ("Katz"), cited in Reply Comments of CTIA in WT Docket No. 04-111 (filed May 10, 2004).

[30] *Id.* at 13.

[31] An analysis performed by the economic consulting firm LECG of one earlier draft of the CPUC's proposed rules projected that wireless carriers would incur implementation costs of $288 million in one-time costs and $709 million per year in annual recurring costs. Furthermore, the analysis determined that this particular set of proposed rules would impose a $2.1 billion deadweight loss on the California economy and would lead to an estimated loss of 11,500 jobs. All told, depending on the size of the carrier, consumers could expect to see anywhere from a $4 to $17 increase in their monthly bills as a direct result of the proposed rules. Although the rules adopted by the CPUC
(continued on next page)

addition, the state of Minnesota recently enacted legislation restricting wireless carriers' ability to modify contracts, requiring that customers affirmatively "opt in" to any changes and imposing cumbersome record keeping of customer verifications. By potentially limiting a CMRS provider's ability to adjust or modify rates, this requirement violates section 332(c)(3) of the Act's prohibition on state regulation of CMRS provider rates.[32] These rules are fundamentally inconsistent with a vigorous and competitive marketplace and they do not serve the public interest.

Other policies also threaten the rapid nationwide deployment of wireless broadband services. For example, procedures adopted under the National Environmental Policy Act of 1969 (NEPA), which require wireless carriers to obtain approvals from State Historic Preservation Officers for collocation of equipment on existing towers, will unnecessarily delay the deployments of mobile wireless broadband services.[33] The Commission should eliminate this requirement. The Commission must keep in mind that the negative impact of government mandates is particularly acute in rural areas, where lower population densities mean that the average cost of complying with mandates is much higher than in urban areas.

Congress has made clear that Internet-based communications should be free from cumbersome federal or state regulations. Consistent with the Act's advanced services and pro-competition goals, the Commission should make clear that states and localities may not impose these regulatory requirements on CMRS providers' wireless broadband services.

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are less onerous than those proposed, LECG's analysis shows the potential impact of rules intended to benefit consumers, but which actually provide no discernible benefits.

[32] *See* 47 U.S.C. § 332(c)(3).

[33] *See* CTIA Reply Comments filed in GN Docket No. 04-54 on May 24, 2004, at 8-9.

### D. The Task Force Should Consider Ways to Enable Further Wireless Broadband Deployment in Rural Areas.

The Task Force seeks information about wireless broadband deployment in rural areas.[34] At a minimum, the Commission should ensure that CMRS providers have nondiscriminatory access to high-cost universal service support. To the extent that wireline broadband providers are entitled to high-cost support unavailable to their CMRS competitors, they will have an unfair competitive advantage. The Commission should also encourage the Rural Utility Service (RUS) to implement its loan programs in a competitively and technologically neutral manner.[35] The program is presently heavily-biased toward wireline incumbents – for example, precluding competing broadband service providers from obtaining funding during the first two years of an incumbent broadband provider's loan term -- contrary to the Commission's objective of promoting *competitive* deployment of broadband services.[36]

In addition, there are a number of ways in which the Commission could help facilitate the viability of wireless broadband services in rural areas. The Commission should consider reallocating Rural Radiotelephone Service (RRS) and Basic Exchange Telecommunications Radio Service (BETRS) spectrum if those services are not being fully utilized. To the extent that the spectrum is not being efficiently utilized, it should be reallocated to a more commercially viable use. This, in turn, could make additional spectrum available for wireless broadband

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[34] Public Notice at 3.

[35] *See* CTIA Comments in WT Docket Nos. 02-381, 01-14, and 03-202, at 13-14 (Dec. 29, 2003) ("CTIA Rural NPRM Comments").

[36] *Id.*

services in rural areas.[37] CTIA also supports Commission efforts to investigate the possibility of increasing base station power levels to improve service in rural areas – as long as the Commission ensures that any solutions do not cause interference or impair roaming.[38]

Finally, the Commission can help promote CMRS providers' deployment of wireless broadband services by taking a balanced approach to geographic service areas and licensing both large and small geographic service areas in rural areas.[39] This approach, particularly in conjunction with a vibrant secondary markets policy, will provide licensees with the flexibility they need to acquire spectrum to deploy wireless broadband services.

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[37] *Id. at 17.*

[38] *Id.* at 10.

[39] *Id.* at 10-11.

## III. CONCLUSION

CTIA applauds the formation of the Wireless Broadband Access Task Force. Nationwide deployment of mobile wireless broadband services, although currently in its infancy, holds the promise of providing consumers affordable high-bandwidth Internet access wherever and whenever they demand it. The Commission can best foster continued expansion of wireless broadband services to by implementing a stable regulatory environment that relies primarily on market forces and avoids intrusive federal, state, or local regulation of these new and evolving technologies and services.

Respectfully submitted,

**CTIA – THE WIRELESS ASSOCIATION™**

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June 3, 2004